IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 3585 (M/S) of 2001

(Old No. 424 of 1994)

State of Uttar Pradesh through Executive Engineer, Investigation and Planning, Quality Control Division (World Bank) Roorkee.

..... Petitioner.

Vs

1. Deputy Labour Commissioner, Uttar Pradesh, Meerut Zone, Meerut.
2. District Magistrate, Haridwar.
3. Ramesh Chandra Son of Sri Bhagwat Singh, C/o Munish Tyagi, Advocate, 10, Collectorate, Meerut. .....Respondents

Sri. N.P. Sah, learned standing counsel for the petitioner.
None present for the respondent no.3.

Hon'ble B.S.Verma, J.

Heard Sri N.P. Sah, learned standing counsel for the petitioner-State.

The petitioner writ petition has been filed by the petitioner to issue a writ, order or direction in the nature of certiorari quashing the order dated 30-6-1993 passed by the respondent No.1 i.e Deputy labour Commissioner, Uttar Pradesh as well as the recovery notice dated 6-12-1993 passed by the respondent No.2. i.e District Magistrate, Haridwar, whereby the petitioner was asked to pay the amount.

The application was filed by the respondent No.3 under Section 6 H (1) of the Industrial Dispute Act for execution of the award, in pursuance of the interim order dated 24-3-1993, passed in writ petition No.489 of 1993. Instead to stay vacation in writ petition No. 489 of 1993, the petitioner has filed the present writ petition. It is well settled that unless and until, the interim order is not modified in the writ petition, the order cannot be modified by this Court in a

subsequent petition. It is only the show cause notice to pay the amount to the respondent No.3, which has been challenged.

In view of the above facts aforementioned, the writ petition is devoid of merit and is liable to be dismissed. The writ petition is hereby dismissed in limine.

All applications stand disposed of accordingly.

(B.S.Verma, J.)

Dated:- 9-5-2007

M.K.